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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 2nd August, 1961 :—

Issue No.	No. and Date	Issued by	Subject
79.	G.S.R. 994, dated 1st August, 1961.	Ministry of Finance	Exempting all goods donated for flood relief in Poona from excise duty etc.
80.	G.S.R. 1015, dated 2nd August, 1961.	Ministry of Food and Agriculture.	Direction regarding price of sugarcane delivered to Salar Jung Sugar Mills Ltd., Munirabad, Mysore State.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (1)

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 1st August 1961

G.S.R. 1018.—In pursuance of rule 11 of the Indian Administrative Service (Pay) Rules, 1954, the Central Government, in consultation with the Government of Andhra Pradesh, hereby makes the following amendment in Schedule III appended to the said rules.

2. This amendment shall be deemed to have come into force with effect from 12th June, 1961.

Amendments

In the said Schedule III under the heading 'B-posts carrying pay in the senior time-scale of the Indian Administrative Service under the State Governments including posts carrying special pays in addition to pay in the time-scale' against 'Andhra Pradesh' following entries shall be added, namely:—

'Joint Development Commissioner and Ex-officio Joint Secretary to Government, Planning and Local Administration Department

Joint Collectors'

[No. 1/71/61-AIS(II).]

T. R. RAGHURAMAN, Under Secy.

New Delhi, the 4th August 1961

G.S.R. 1019.—In exercise of the powers conferred by clause (g) of sub-section (1) of Section 4 read with sub-section (2) of section 5 of the Jallianwala Bagh National Memorial Act, 1951 (25 of 1951), the Central Government hereby nominates:—

(1) Rajkumari Amrit Kaur, and

(2) Giani Gurmukh Singh Musafir,

as trustees of the Jallianwala Bagh National Memorial, for a further term of five years with effect from the 25th June 1961.

[No. F. 19/48/61-JudI. II.]

K. THYAGARAJAN, Under Secy.

New Delhi, the 4th August 1961

G.S.R. 1020.—In exercise of the powers conferred by Section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Manipur, the Bombay Money-lenders Act, 1946 (Bombay Act No. XXXI of 1947) as at present in force in the State of Maharashtra, subject to the following modifications namely:—

MODIFICATIONS

1. Throughout the Act—

- (a) for the words "State Government", the words "Chief Commissioner of Manipur" shall be substituted and there shall also be made in any sentence in which those words occur such consequential amendments as the rules of grammar may require;
- (b) for the word "State" (except where it occurs in the expression 'State Government'), the words "Union territory" shall be substituted;
- (c) for the words "Official Gazette", the words "Manipur Gazette" shall be substituted;

2. In Section 1—

- (a) for sub-section (2), the following sub-section shall be substituted, namely—

"(2) It extends to the whole of the Union Territory of Manipur";

- (b) sub-section (3) shall be omitted.

3. In Section 2—

- (a) for clause (4), the following clause shall be substituted, namely—

"(4) 'company' means a company as defined in the Companies Act, 1956 (1 of 1956) or formed by or in pursuance of an Act of the Legislature of the State of Jammu and Kashmir or formed in pursuance of an Act of Parliament of the United Kingdom or by Royal Charter or Letters Patent, or by an Act of the Legislature of a British Possession";

- (b) for clause (5), the following clause shall be substituted, namely:—

"(5) 'co-operative society' means a society registered or deemed to have been registered under the law relating to co-operative societies in

force in Manipur or any such law in force elsewhere in the territory of India";

(c) the Explanation to sub-clause (g) of clause (9) shall be omitted;

(d) for clause (13), the following clause shall be substituted, namely:—

"(13) 'Union territory' means the Union territory of Manipur";

(e) for clause (13-A), the following clause shall be substituted, namely:—

"(13-A) 'recognised language' means English, Manipuri or Hindi".

4 In section 4, the proviso shall be omitted.

5. In sub-clause (iii) of clause (a) of sub-section (2) of section 6, the words and letter "except Part B States but including the Saurashtra and Hyderabad areas of the State of Bombay" shall be omitted.

6. In section 9, for the word "July", the word "March" shall be substituted.

7. In section 10, for clause (b) of sub-section (5), the following clause shall be substituted, namely:—

"(b) the powers of an Official Assignee, a receiver, and administrator or a Court under the provisions of the Provincial Insolvency Act, 1920 (V of 1920) or of a liquidator under the Companies Act, 1956 (1 of 1956), to realise the property of a money lender".

8. In section 26, for the words "registration of documents and other usual out-of-pocket expenses", the words "and registration of documents", and for the words "charges or expenses", the words "or charges", shall be substituted.

9. The Explanation to Section 36 shall be omitted.

10. Section 38 shall be omitted.

11. Section 38-A shall be renumbered as section 38 and in the section as so renumbered, for the word "it" the word "him" shall be substituted.

12. Sub-Section (4) of section 39 shall be omitted.

13. Section 40 shall be omitted.

ANNEXURE

THE BOMBAY MONEY-LENDERS ACT, 1946 AS EXTENDED TO THE UNION TERRITORY OF MANIPUR

BOMBAY ACT No. XXXI OF 1947

An Act to regulate the transactions of money-lending in the pre-Reorganisation State of Bombay.

Whereas it is expedient to make better provision for the regulation and control of transactions of money-lending in the State of Bombay; it is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Bombay Money-lenders Act, 1946.

(2) It extends to the whole of the Union territory of Manipur.

(3) * * * * *

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

(1) 'Bank' means a banking company as defined in the Banking Companies Act, 1949 (X of 1949) and includes the Reserve Bank of India, the State Bank of India and any other banking institution notified by the Central Government under section 51 of the Banking Companies Act, 1949 (X of 1949);

(2) "business of money-lending" means the business of advancing loans whether or not in connection with or in addition to any other business;

(3) "capital" means a sum of money which a money-lender invests in the business of money-lending;

(4) "company" means a company as defined in the Companies Act, 1956 (1 of 1956) or formed by or in pursuance of an Act of the Legislature of the State of Jammu and Kashmir or formed in pursuance of an Act of Parliament of the United Kingdom or by Royal Charter or Letters Patent, or by an Act of the Legislature of a British Possession;

(5) "co-operative society" means a society registered or deemed to have been registered under the law relating to co-operative societies in force in Manipur or any such law in force elsewhere in the territory of India;

(5A) "inspection fee" means the fee leviable under section 9A in respect of inspection of books of account of a money-lender;

(6) "interest" includes any sum, by whatsoever name called, in excess of the principal paid or payable to a money-lender in consideration of or otherwise in respect of a loan, but does not include any sum lawfully charged by a money-lender for or on account of costs, charges or expenses in accordance with the provisions of this Act, or any other law for the time being in force;

(7) "licence" means a licence granted under this Act;

(8) "licence fee" means the fee payable in respect of a licence;

(9) "loan" means an advance at interest, whether of money or in kind, but does not include—

(a) a deposit of money or other property in a Government Post Office Bank or in any other bank or in a company or with a co-operative society;

(b) a loan to, or by, or a deposit with any society or association registered under the Societies Registration Act, 1860 (XXI of 1860) or any other enactment relating to a public, religious or charitable object;

(c) a loan advanced by Government or by any local authority authorised by Government;

(cc) a loan advanced to a Government servant from a fund, established for the welfare or assistance of Government servants, and which is sanctioned by the Chief Commissioner of Manipur;

(d) a loan advanced by a co-operative society;

(d1) an advance made to a subscriber to, or a depositor in, a Provident Fund from the amount standing to his credit in the fund in accordance with the rules of the fund;

(d2) a loan to or by an insurance company as defined in the Insurance Act, 1938 (IV of 1938);

(e) a loan to, or by bank;

(f) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881 (XXVI of 1881), other than a promissory note;

(g) except for the purposes of sections 23 and 25,—

(i) a loan to a trader;

(ii) a loan to a money-lender who holds a valid licence; or

(iii) a loan, by a landlord to his tenant for financing of crops or seasonal finance, of not more than Rs. 50 per acre of land held by the tenant;

(iv) a loan advanced to an agricultural labourer by his employer;

(10) "money-lender" means—

(i) an individual, or

(ii) an undivided Hindu family; or

(iii) a company, or

(iv) an unincorporated body of individuals,
who or which—

(a) carries on the business of money-lending in the Union territory; or

(b) has his or its principal place of such business in the Union territory;

(10-A) 'pawn-broker' means a money-lender who in the ordinary course of his business advances a loan and takes goods in pawn as security for payment of such loan;

(11) "prescribed" means prescribed by rules made under this Act;

(12) "principal" means in relation to a loan the amount actually advanced to the debtor;

(12A) "Provident Fund" means a Provident Fund as defined in the Provident Funds Act, 1925 (XIX of 1925), and includes a Government Provident Fund and a Railway Provident Fund as defined in the said Act;

(13) "Union territory" means the Union territory of Manipur;

(13A) "recognised language" means English, Manipuri or Hindi;

(14) "register" means a register of money-lenders maintained under section 4;

(15) "rules" means rules made under this Act;

* * * *

(17) "suit to which this Act applies" means any suit or proceeding—

(a) for the recovery of a loan made after the date on which this Act comes into force;

(b) for the enforcement of any security taken, or any agreement, made after the date on which this Act comes into force in respect of any loan made either before or after the said date; or

(c) for the redemption of any security given after the date on which this Act comes into force in respect of any loan made either before or after the said date;

(18) "trader" means a person who in the regular course of business buys and sells goods or other property, whether movable or immovable and includes a wholesale or retail merchant,

a commission agent,

a broker,

a manufacturer,

a contractor,

a factory owner,

but does not include an artisan or a person who sells his agricultural produce or cattle or buys agricultural produce or cattle for his use.

Explanation—For the purposes of this clause an "artisan" means a person who does not employ more than ten workers in a manufacturing process on any one day of the twelve months immediately preceding.

3. Appointment of Registrar General, Registrars and Assistant Registrars.—

The Chief Commissioner of Manipur may, by notification in the Manipur Gazette, appoint such persons, whether public officers or not, as he thinks proper, to be a Registrar General, Registrars and Assistant Registrars of money-lenders for the purposes of this Act and may define the areas within which each such officer shall exercise his powers and perform his duties.

4. Register of money-lenders.—Every Assistant Registrar shall maintain for the area in his jurisdiction a register of money-lenders in such form as may be prescribed.

* * * *

5. Money-lender not to carry on business of money-lending except for area under licence and except in accordance with terms of licence.—No money-lender shall carry on the business of money-lending except in the area for which he has been granted a licence and except in accordance with the terms and conditions of such licence.

6. Applications for licence.—(1) Every money-lender shall annually before such date as may be prescribed make an application in the prescribed form for the grant of a licence to the Assistant Registrar of the area within the limits of which, the place where he intends to carry on the business of money-lending or if he intends to carry on such business at more than one place in the

area, the principal place of such business is situated Such application shall contain the following particulars, namely:—

- (a) the name in which such money-lender intends to carry on business and the name of the person proposed to be responsible for the management of the business,
 - (b) if the application is by or on behalf of—
 - (i) an individual, the name and address of such individual,
 - (ii) an undivided Hindu family, the names and addresses of the manager and the adult coparceners of such family;
 - (iii) a company, the names and addresses of the directors, manager or principal officer managing it
 - (iv) an unincorporated body of individuals, the names and addresses of such individuals;
 - (c) the area and the place or principal place of the business of money-lending in the Union territory,
 - (d) the name of any other place in the Union territory where the business of money-lending is carried on or intended to be carried on,
 - (e) whether the person signing the application has himself, or any of the adult coparceners of an undivided Hindu family, or any director, manager or principal officer of the company or any member of the unincorporated body on behalf of which such application has been made, as the case may be, has carried on the business of money-lending in the Union territory in the year ending on the 31st day of March immediately preceding the date of the application either individually or in partnership, or jointly with any other coparcener or any other person and whether in the same or any other name,
 - (f) the total amount of the capital which such person intends to invest in the business of money-lending in the year for which the application has been made,
 - (g) if the places at which the business of money-lending is to be carried on are more than one, the names of persons who shall be in the management of the business at each such place
- (2) The application shall be in writing and shall be signed—
- (a) (i) if the application is made by an individual, by the individual,
 - (ii) if the application is made on behalf of an undivided Hindu family, by the manager of such family;
 - (iii) if the application is made by a company or unincorporated body, by the managing director or any other person having control of its principal place of business in the territory of India or of its place of business in the area in which it intends to carry on the business, or
 - (b) by an agent authorised in this behalf by a power of attorney by the individual money-lender himself, or the family, or the company or the unincorporated body, as the case may be
- (3) The application shall also contain such other particulars as may be prescribed.
- (4) The application shall be accompanied by a licence fee at the following rates:—
- | | |
|--|--|
| (a) if the place at which the business of money-lending is to be carried on is not more than one. | Rs. 5. |
| (b) if the business of money-lending is to be carried on at more than one place within the limits of the area of the Registrar | Rs. 5 for the licence for the principal place of business and Rs. 2 for the licence for each of the other places in the area |

Provided that where an application is made after the expiry of the period prescribed by rules in respect of such application, it shall be accompanied by a licence fee at double the rates specified above

(5) The fee payable under this section shall be paid in the manner prescribed and shall not be refunded, notwithstanding the fact that the grant of the licence is refused or the application is withdrawn

7. Grant of licence and entry in register.—(1) On the receipt of an application under section 6 and after making a summary inquiry in accordance with the prescribed procedure, the Assistant Registrar shall forward the application, together with his report, to the Registrar. The Registrar may after making such further inquiry, if any, as he deems fit, grant the applicant a licence in such form and subject to such conditions as may be prescribed, and direct the Assistant Registrar to enter the name of such applicant in the register maintained by him under section 4.

If the application is in respect of more than one place of business in the area under the jurisdiction of the Registrar, a separate licence in respect of each such place shall be granted in the name of the applicant and the person responsible for the management of the business at such place.

(2) If the application also contains a request for the grant of a licence to carry on the business of money-lending at any place within the Union territory, but at a place outside the jurisdiction of the Registrar who granted the licence in respect of the principal place of business of the money-lender, the Registrar shall forward copies of the application and of the licence granted to the Registrar having jurisdiction who may grant a licence on payment of the licence fee provided for in section 6 without making any inquiry in respect of the application.

8. Refusal of issue of licence.—(1) The grant of licence shall not be refused except on any of the following grounds:—

- (a) that the applicant, or any person responsible or proposed to be responsible for the management of his business as a money-lender is disqualified from holding a licence;
- (b) that the applicant has not complied with the provisions of this Act or the rules in respect of an application for the grant of a licence;
- (c) that the applicant has made wilful default in complying with or knowingly acted in contravention of any requirement of this Act;
- (d) that satisfactory evidence has been produced that the applicant or any person responsible or proposed to be responsible for the management of his business of money-lending has—
 - (i) knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with the business of money-lending, or
 - (ii) been found guilty of an offence under Chapter XVII or sections 465, 477 or 477-A of Chapter XVIII of the Indian Penal Code (XLV of 1860).

(2) The Registrar shall before refusing a licence under sub-section (1), give to the applicant a reasonable opportunity of producing evidence, if any, in support of the application and of showing cause why the licence should not be refused; and record the evidence adduced before him and his reasons for such refusal.

(3) An appeal shall lie from an order of the Registrar refusing a licence under sub-section (1) to the Registrar General, whose decision shall be final.

8A. Registrar's Power to cancel licences.—(1) The Registrar may, during the term of any licence, cancel the same by an order in writing on the ground that the person to whom it was granted has been guilty of any act or conduct for which he might under section 8 have refused him the grant of the licence and which act or conduct was not brought to his notice at the time of the grant.

(2) Before cancelling a licence under sub-section (1) the Registrar shall give notice in writing to the licensee and may hold such inquiry as may be necessary.

(3) An appeal shall lie from an order of the Registrar cancelling a licence under sub-section (1) to the Registrar General whose decision shall be final.

9. Term of licence.—A licence shall be valid from the date on which it is granted to the 31st day of March following:

Provided that when an application for renewal of a licence has been received by an Assistant Registrar within the prescribed period, the licence shall, until the application is finally disposed of, be deemed to be valid:

9A. (1) An inspection fee shall, in addition to the licence fee leviable under section 6, be levied from a money-lender applying for a renewal of a licence at the rate specified in the Schedule on the basis of the maximum capital utilised by him during the period of the licence sought to be renewed.

(2) In default of payment of an inspection fee leviable under sub-section (1), it shall be recoverable from the defaulter in the same manner as an arrear of land revenue.

Explanation.—For the purposes of this section, “maximum capital” means the highest total amount of the capital sum which may remain invested in the money-lending business on any day during the period of a licence.

10. Stay of suits by money-lenders not holding licence.—(1) After the expiry of six months from the date on which this Act comes into force, no Court shall pass a decree in favour of a money-lender in any suit filed by a money-lender to which this Act applies unless the Court is satisfied that at the time when the loan or any part thereof to which the suit relates was advanced, the money-lender held a valid licence.

(2) If during the trial of any such suit, the Court finds that the money-lender had not held such licence, the Court may, on the application of the money-lender, stay the hearing of the suit and require him to produce within a period of three months a licence on payment to the Registrar of all the arrears of the licence fees and the inspection fees payable by him under this Act for the period commencing from the date on which he started the business of money-lending or the expiry of six months from the date on which this Act comes into force, whichever is later, together with such penalty, not exceeding Rs. 500, as the Court may direct:

Provided that when the Court is satisfied that the failure of the money-lender to obtain a licence was due to any reasonable cause, the Court may direct that no penalty as aforesaid or part of such penalty shall be paid by the money-lender.

(3) The Court may, on sufficient cause being shown, from time to time extend the period during which the money-lender shall be required to produce a licence.

(4) If the money-lender fails to produce the licence required under sub-section (2) within the period specified therein or within such period as may be extended under sub-section (3), the Court shall dismiss the suit. If the money-lender produces such licence within the aforesaid period, the Court shall proceed to hear the suit.

(5) Nothing in this section shall affect—

(a) suits in respect of loans advanced by a money-lender before the date on which this Act comes into force;

(b) the powers of an Official Assignee, a receiver, an administrator or a Court under the provisions of the Provincial Insolvency Act, 1920 (V of 1920) or of a liquidator under the Companies Act, 1956 (1 of 1956) to realise the property of a money-lender.

11. Entry in register and grant of licence to a money-lender directed to obtain licence under section 10.—Any money-lender who is required under sub-section (2) of section 10 to produce a licence shall make an application to the Registrar through the Assistant Registrar in the manner specified in section 6 and on receipt of such application the Registrar may, subject to the provisions of section 8, and after making such inquiry as he deems fit, grant the money-lender on payment of the arrears of licence fee, and the penalty, if any, directed by the Court to be paid, a licence in the form and subject to the conditions specified in section 7 and direct the Assistant Registrar to enter the name of the money-lender in the Register.

12. Application for cancellation of licence.—(1) Any person may, during the currency of a licence, file an application, to the Registrar General for the cancellation of the licence issued to a money-lender on the ground that such money-lender has been guilty of any act or conduct for which the Registrar may under section 8 refuse him the grant of a licence. At the time of filing his application the said person shall deposit such amount not exceeding Rs. 100 as the Registrar General may deem fit.

(2) On the receipt of such application and deposit or of a report to that effect from an officer acting under section 13A the Registrar General shall hold an inquiry and if he is satisfied that the money-lender has been guilty of such act or conduct he may direct the Registrar to cancel the licence of the money-lender and may also direct the return of the deposit made under sub-section (1).

(3) If in the opinion of the Registrar General, an application made under sub-section (1) is frivolous or vexatious, he may, out of the deposit made under sub-section (1), direct to be paid to the money-lender such amount as he deems fit as compensation.

13. Registrar General, Registrar and Assistant Registrar to have powers of Civil Court.—For the purposes of sections 7 and 13A the Registrar, Assistant Registrar and, as the case may be, the officer authorised under Section 13A and for the purposes of section 12 the Registrar General, shall have and may exercise the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters:—

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses; and
- (d) proof of facts by affidavits.

13A. Power of authorised officer to require production of record or documents.—For the purpose of verifying whether the business of money-lending is carried on in accordance with the provisions of this Act any Registrar, Assistant Registrar or any other officer authorised by the Chief Commissioner of Manipur in this behalf may require any money-lender or any person in respect of whom the Registrar, Assistant Registrar or the officer so authorised has reason to believe that he is carrying on the business of money-lending in the Union territory to produce any record or document in his possession which in his opinion is relevant for the purpose and thereupon such money-lender or person shall produce such record or document. The Registrar, Assistant Registrar or officer so authorised may after reasonable notice at any reasonable time enter any premises where he believes such record or document to be and may ask any question necessary for interpreting or verifying such record.

14. Court's power to cancel or suspend a licence.—(1) (i) A Court passing an order of conviction against a money-lender for an offence under this Act, or

(ii) a Court trying a suit to which this Act applies, if satisfied that such money-lender has committed such contravention of the provisions of this Act or the rules as would, in its opinion, make him unfit to carry on the business of money-lending—

- (a) may order that all the licences held by such money-lender in the Union territory be cancelled or suspended for such time as it may think fit, and
- (b) may, if it thinks fit, declare any such money-lender, or if any money-lender is an undivided Hindu family, a company or an unincorporated body such family, company or body and also any person responsible for the management of the business of money-lending carried on by such family, company or body, to be disqualified from holding any licence in the Union territory for such time as the Court may think fit.

(2) Where a Court convicts a money-lender of an offence under this Act, or makes an order or declaration under clause (a) or (b) of sub-section (1), it shall cause the particulars of the conviction, order or declaration, as the case may be, to be endorsed on all the licences held by the money-lender convicted or by any other person affected by the order or declaration and shall cause copies of its order or declaration to be sent to the Registrars by whom the licences were granted for the purpose of entering such particulars in the registers:

Provided that where any licence held by any money-lender is suspended or cancelled or any money-lender is disqualified from holding any licence under this section he may appeal against such order to the Court to which an appeal ordinarily lies from the decision of the Court passing the order; and the Court which passed the order or the Court of appeal may, if it thinks fit, pending the appeal, stay the operation of the order under this section.

(3) Any licence required by a Court for endorsement in accordance with sub-section (2) shall be produced by the person by whom it is held in such manner and within such time as may be directed by the Court and any person, who, without reasonable cause, makes default in producing the licence so required shall be liable, on conviction, to a fine not exceeding Rs. 500 for each day for the period during which the default continues.

(4) Powers conferred on a Court under this section may be exercised by any Court in appeal or in revision.

15. No compensation for suspension or cancellation of licence.—Where any licence is suspended or cancelled under this Act no person, shall be entitled to any compensation or the refund of any compensation or the refund of any licence-fee.

16. Persons debarred from doing business during period of suspension or cancellation of licence.—A person whose licence has been suspended or cancelled in accordance with the provisions of this Act shall, during the period of suspension or cancellation, as the case may be, be disqualified from holding any licence in the Union territory.

17. Person whose licence is suspended or cancelled not to apply without giving particulars of endorsement or of disqualification.—No person whose licence has been endorsed under section 14 or who has been disqualified from holding a licence shall apply for, or be eligible to hold a licence, without giving particulars of such endorsement or disqualification.

18. Duty of money-lender to keep accounts, and furnish copies.—(1) Every money-lender shall keep and maintain a cash book and a ledger in such form and in such manner as may be prescribed.

(2) Every money-lender shall—

(a) deliver or cause to be delivered—

(i) to the debtor within 30 days from the date on which a loan is made, a statement in any recognised language showing in clear and distinct terms the amount and date of the loan and of its maturity, the nature of the security, if any, for the loan, the name and address of the debtor and of the money-lender and the rate of interest charged;

Provided that no such statement shall be required to be delivered to a debtor if he is supplied by the money-lender with a pass book which shall be in the prescribed form and shall contain an up to date account of the transaction with the debtor;

(ii) to the Assistant Registrar, within the said period a statement containing the particulars referred to in clause (a) (i);

(b) upon repayment of a loan in full, mark indelibly every paper signed by the debtor with words indicating payment or cancellation, and discharge every mortgage, restore every pledge, return every note and cancel or reassign every assignment given by the debtor as security for the loan.

(2A) Notwithstanding anything contained in clause (a) (ii) of sub-section (2), the Chief Commissioner of Manipur may by order in writing permit such class of money-lenders as may be specified in the order to deliver or cause to be delivered to the Assistant Registrar a statement containing the particulars referred to in clause (a)(i) of sub-section (2) in respect of all loans made during every such period as may be specified in the order. And upon the issue of such order a money-lender electing to deliver a periodical statement as provided in this sub-section shall deliver or cause to be delivered the same within a period of 30 days from the date of expiry of every such period.

(3) No money-lender shall receive any payment from a debtor on account of any loan without giving him a plain and complete receipt for the payment.

(4) No money-lender shall accept from a debtor any article as a pawn, pledge or security for a loan without giving him a plain signed receipt for the same with its description, estimated value, the amount of loan advanced against it and such other particulars as may be prescribed. Such money-lender shall maintain the duplicate of such receipts in a separate register.

19. Delivery of statement of accounts and copies thereof by money-lender.—

(1) Every money-lender shall deliver or cause to be delivered every year to each of his debtors a legible statement of such debtor's accounts signed by the money-lender or his agent of any amount that may be outstanding against such debtor. The statement shall show—

(i) the amount of principal, the amount of interest and the amount of fees referred to in section 19A, separately, due to the money-lender at the beginning of the year;

(ii) the total amount of loans advanced during the year;

(iii) the total amount of repayments received during the year; and

(iv) the amounts of principal and interest due at the end of the year.

(2) In respect of any particular loan, whether advanced before or after the date on which this Act comes into force, the money-lender shall, on demand in writing being made by the debtor at any time during the period when the loan

or any part thereof has not been repaid, and on payment of the prescribed fee supply to the debtor, or if the debtor so requires, to any person specified in that behalf in the demand, a statement, in any recognised language, signed by the money-lender or his agent, and containing the relevant particulars specified in sub-section (1).

(3) A money-lender shall, on a demand in writing by the debtor, and tender of the prescribed sum of expenses, supply a copy of any document relating to a loan made by him or any security therefor to the debtor, or if the debtor so requires to any person specified in that behalf in the demand.

(4) For the purposes of this section "year" means the year for which the accounts of the money-lender are ordinarily maintained in his own books.

19A. Fees for certain statements supplied to debtors and Assistant Registrar.—

(1) A money-lender may recover from a debtor fees for the statements or a pass book supplied to him under sub-section (2) of section 18 or sub-section (1) of section 19 and in respect of copies of such statements supplied to the Assistant Registrar under the said sub-sections or in respect of copies of statements supplied to him under sub-section 2A of section 18.

(2) Such fees shall be recoverable at such rates and in such manner as may be prescribed, subject to the maximum of two rupees per debtor, per year, irrespective of the number of statements or copies thereof supplied to the debtor or the Assistant Registrar during the relevant year.

20. Debtor not bound to admit correctness of accounts.—A debtor to whom a statement of accounts or a pass book has been furnished under section 19 shall not be bound to acknowledge or deny its correctness and his failure to do so shall, not, by itself, be deemed to be an admission of the correctness of the accounts.

21. Procedure of Court in suits regarding loans.—Notwithstanding anything contained in any law for the time being in force, in any suit to which this Act applies—

(a) a Court shall, before deciding the claim on merits, frame and decide the issue whether the money-lender has complied with the provisions of sections 18 and 19;

(b) if the Court find that the provisions of section 18 or section 19 have not been complied with by the money-lender, it may, if the plaintiff's claim is established, in whole or in part, disallow the whole or any portion of the interest found due, as may seem reasonable to it in the circumstances of the case and may disallow costs.

Explanation.—A money-lender who has given the receipt or furnished a statement of accounts or a pass book in the prescribed form and manner, shall be held to have complied with the provisions of section 18 or section 19, as the case may be, in spite of any errors and omissions, if the Court finds that such errors and omissions are not material or not made fraudulently.

22. Provisions of certain sections not to apply to loans made by Company or unincorporated body exempted by Chief Commissioner.—Nothing in sections 18 to 21 shall apply to loans advanced by any company or unincorporated body which the Chief Commissioner of Manipur may by notification in the *Manipur Gazette* exempt from the operation of those sections.

23. Power of Court to limit interest recoverable in certain cases.—Notwithstanding anything contained in any agreement or any law for the time being in force, no Court shall in respect of any loan whether advanced before or after the date on which this Act comes into force, decree, on account of interest, a sum greater than the principal of the loan due on the date of the decree.

24. Power of Court to direct payment of decretal amount by instalments.—Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), the Court may, at any time, on application of a judgement-debtor, after notice to the decree-holder, direct that the amount of any decree passed against him, whether before or after the date on which this Act comes into force, in respect of a loan, shall be paid in such number of instalments and subject to such conditions, and payable on such dates, as having regard to the circumstances of the judgment debtor and the amount of the decree, it considers fit.

25. Limitation on rates of interest.—(1) The Chief Commissioner of Manipur may from time to time by notification in the *Manipur Gazette* fix the maximum

rates of interest for any local area or class of business of money-lending in respect of secured and unsecured loans.

(2) Notwithstanding anything contained in any law for the time being in force, no agreement between a money-lender and a debtor for payment of interest at rates exceeding the maximum rates fixed by the Chief Commissioner of Manipur under sub-section (1) shall be valid and no Court shall in any suit to which this Act applies award interest exceeding the said rates.

(3) If any money-lender or a person advancing a loan specified in sub-clause (g) of clause (9) of section 2 makes an oral or written demand or charges or receives from a debtor interest at a rate exceeding the maximum rate fixed by the Chief Commissioner of Manipur under sub-section (1), he shall, for the purposes of section 34, be deemed to have contravened the provisions of this Act.

26. Prohibition of charge for expenses on loans by money-lenders.—No money-lender shall receive from a debtor or intending debtor any sum other than reasonable costs of investigating title to the property, costs of stamp and registration of documents in cases where an agreement between the parties includes a stipulation that property is to be given as security or by way of mortgage and where both parties have agreed to such costs and reimbursement thereof; or where such costs or charges are leviable under the provisions of the Transfer of Property Act, 1882 (IV of 1882), or any other law for the time being in force.

27. Notice and information to be given on assignment of loan.—(1) Where a loan advanced, whether before or after the date on which this Act comes into force, or any interest of such loan or the benefit of any agreement made or security taken in respect of such loan or interest is assigned to any assignee, the assigner (whether he is the money-lender by whom the money was lent or any person to whom the debt has been previously assigned) shall, before the assignment is made—

- (a) give the assignee notice in writing that the loan interest, agreement or security is affected by the operation of this Act;
- (b) supply to the assignee all information necessary to enable him to comply with the provisions of this Act; and
- (c) give the debtor notice in writing of the assignment supplying the name and address of the assignee

(2) Any person acting in contravention of the provisions of sub-section (1) shall be liable to indemnify any other person who is prejudiced by the contravention.

28. Application of Act as respects assignees.—(1) Save as hereinafter provided, where any debt due to a money-lender in respect of money lent by him whether before or after the date on which this Act comes into force or of interest on money so lent or of the benefit of any agreement made or security taken in respect of any such debt or interest, has been assigned, the assignee shall be deemed to be the money-lender and all the provisions of this Act shall apply to such assignee as if he were the money-lender.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, where for any reason any such assignment is invalid and the debtor has made any payment of money or transfer of property on account of any loan which has been so assigned, the assignee shall in respect of such payment or transfer be deemed to be the agent of the money-lender for all the purposes of this Act.

29. Reopening of transactions.—Notwithstanding anything contained in any law for the time being in force the Court shall, in any suit to which this Act applies, whether heard *ex parte* or otherwise—

- (a) reopen any transaction, or any account already taken between the parties;
- (b) take an account between the parties;
- (c) reduce the amount charged to the debtor in respect of any excessive interest;
- (d) if on taking accounts it is found that the money-lender has received more than what is due to him pass a decree in favour of the debtor in respect of such amount:

Provided that in the exercise of these powers, the Court shall not—

- (i) reopen any adjustment or agreement purporting to close previous dealings and to create new obligations which have been entered into by the parties or any person through whom they claim at a date more than six years from the date of the suit;
- (ii) do anything which affects any decree of a Court.

Explanation.—For the purpose of this section “excessive interest” means interest at a rate which contravenes any of the provisions of section 25.

30. Inquiry for taking accounts and declaring the amount due.—(1) Any debtor may make an application at any time to the court, whether the loan has or has not become payable, for taking accounts and for declaring the amount due to the money-lender. Such application shall be in the prescribed form and accompanied by the prescribed fee.

(2) On receipt of such application, the Court shall cause a notice of the application to be given to the money-lender.

(3) On the date fixed for the hearing of the application or on such date to which the hearing may be adjourned from time to time, the Court shall make an inquiry and shall after taking an account of the transactions between the parties pass an order declaring the amount, if any, still payable by the debtor to the money-lender, in respect of the principal and interest, if any. In taking accounts under this section the Court shall follow the provisions of sections 18 to 29 and section 31A.

31. Deposit in Court of money due to money-lender.—(1) At any time a debtor may tender to a money-lender any sum of money due from him to the money-lender in respect of a loan by way of principal, interest or both.

(2) If the money-lender refuses to accept any sum so tendered, the debtor may deposit the said sum in Court to the account of the money-lender.

(3) The Court shall thereupon cause written notice of the deposit to be served on the money-lender, and he may, on presenting a petition stating the sum then due in respect of the loan, and his willingness to accept the said sum, receive and appropriate it first towards the interest and the residue if any towards the principal.

(4) When the money-lender does not accept the sum, the court shall appropriate the said sum first towards the interest and the residue if any towards the principal.

31A. When interest to be paid for entire month.—Notwithstanding any agreement between the parties or any law for the time being in force, when a statement is delivered or pass book is supplied to a debtor under section 19 or if accounts are taken under section 30 or a tender is made by a debtor to a money-lender in respect of a loan under section 31 before the sixteenth day of a calendar month, the interest due shall be calculated as payable for fifteen days of the said month, and if the statement is delivered or pass book is supplied or accounts are taken or tender is made on any subsequent day, then for the entire calendar month irrespective of the fact that such statement is delivered or pass book is supplied or such accounts are taken or such tender is made on any such day.

32. Entry of wrong sum in bond, etc. to be an offence.—(1) No money-lender shall take any promissory note, acknowledgment, bond or other writing which does not state the actual amount of the loan, or which states such amount wrongly or execute any instrument in which blanks are left to be filled after execution.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction be punishable with fine which may extend to Rs. 1,000 or with imprisonment of either description which may extend to six months or with both.

33. Penalty for molestation.—(1) Whoever molests, or abets the molestation, of a debtor for the recovery of a debt due by him to a creditor shall, on conviction, be punishable with imprisonment of either description which may extend to three months or with fine which may extend to Rs. 500 or with both.

Explanation.—For the purposes of the section a person who, with intent to cause another person to abstain from doing any act which he has a right to do or to do any act which he has a right to abstain from doing—

- (a) obstructs or uses violence to or intimidates such other person, or

- (b) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in the use thereof, or
- (c) loiters near a house or other place where such other person resides or works, or carries on business, or happens to be, or does any act calculated to annoy or intimidate such other person, shall be deemed to molest such other person:

Provided that a person who goes to such house or place in order merely to obtain or communicate information shall not be deemed to molest.

34. General provision regarding penalties.—Whoever fails to comply with or acts in contravention of any provision of this Act, shall, if no specific penalty has been provided for in this Act, be punishable—

- (a) for the first offence with simple imprisonment which may extend to two months or with fine which may extend to Rs. 500 or with both, and
- (b) for the second or subsequent offence with imprisonment of either description which may extend to six months or with fine or with both.

35. Offences by corporations, etc.—If the person contravening any of the provisions of this Act is an undivided Hindu family or a company or an unincorporated body, the person responsible for the management of the business of such family company or body shall be deemed to be guilty of such contravention.

35A. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 offences punishable—

- (a) under section 34 for contravening the provisions of section 5 (V of 1898), and
 - (b) under section 33,
- shall be cognizable.

35B. Cognizance of certain offences.—No Court shall take cognizance of any offence punishable under section 34 for contravening the provisions of section 18 or section 19, except with the previous sanction of the Registrar.

35C. Compounding of certain offences.—(1) The Registrar may, either before or after the institution of proceedings for any offence punishable under section 34 for contravening the provisions of section 18 or section 19, accept from any person charged with such offence by way of composition of the offence a sum not exceeding fifty rupees.

(2) On payment of such sum as may be determined by the Registrar under sub-section (1) no further proceedings shall be taken against the accused person in respect of the same offence.

36. Arrest and imprisonment in execution of decree for money, against agricultural debtors, abolished.—Notwithstanding any law for the time being in force no debtor who cultivates land personally and whose debts do not exceed Rs. 15,000 shall be arrested or imprisoned in execution of a decree for money passed in favour of a money-lender, whether before or after the date on which this Act comes into force.

37. Every officer to be public servant.—Every officer of the Government acting under the provisions of this Act (XLV of 1860), shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

38. Power of State Government to delegate its powers.—The Chief Commissioner of Manipur may delegate to any officer any of the powers conferred on him by or under this Act.

39. Rules—(1) The Chief Commissioner of Manipur may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters:—

- (a) the form of the register under section 4;
- (b) the form of the application for a licence, the further particulars to be included therein and the manner of payment of licence fee under section 6;

- (c) the form and conditions of the licence, the manner of payment of licence fee and the procedure for a summary inquiry under section 7;
- (d) the form of cashbook and ledger and the manner in which they should be maintained under sub-section (1), and the other particulars to be prescribed under sub-section (4), of section 18;
- (e) the form of the statement of accounts and pass books to be furnished or delivered and the date before which it is to be furnished or delivered under sub-section (1), the fee to be paid under sub-section (2), and the sum of expenses to be paid under sub-section (3), of section 19;
- (ee) the rates at which and the manner in which fees may be recovered under section 19A;
- (f) the form of application and the fee to be paid under sub section (1) of section 30;
- (g) any other matter which is or may be prescribed under this Act or any matter for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Chief Commissioner of Manipur, necessary for giving effect to the provisions of this Act.

(3) The rules made under this section shall, subject to the condition of previous publication, be published in the *Manipur Gazette*.

(4) * * * * *

40. * * * * *

THE SCHEDULE

(See section 9A)

Maximum capital utilised in rupees	Rate of inspection fee in rupees and naye paise
Upto 5,000	Nil.
From 5,001 to 10,000	5.00
From 10,001 to 20,000	7.00
From 20,001 to 50,000	12.50
50,001 and above	20.00

[No. F. 5/7/60-Judl.II.UTL-37.]

K. R. PRABHU, Dy. Secy.

New Delhi, the 5th August 1961

G.S.R. 1021.—In pursuance of sub-rule (2) of rule 7 of the Indian Administrative Service (Probation) Rules, 1954, the Central Government, in consultation with the State Governments and the Union Public Service Commission, hereby makes the following regulations further to amend the Indian Administrative Service (Probationers' Final Examination) Regulations, 1955, namely:—

1. These regulations may be called the Indian Administrative Service (Probationers' Final Examination) Amendment Regulations, 1961.

2. In the Indian Administrative Service (Probationers' Final Examination) Regulations, 1955:—

I. In regulation 2, in sub-regulation (1) for clauses (a) to (e), the following clauses shall be substituted, namely:—

“(a) ‘Academy’ means the National Academy of Administration, Mussoorie;

(b) ‘Commission’ means the Union Public Service Commission;

(c) ‘Director’ means the Director of the Academy; and

(d) ‘Schedule’ means a Schedule appended to these regulations.”

II. In regulation 3,—

(i) in sub-regulation (1), for the words “Training School”, the word “Academy” shall be substituted;

(ii) in sub-regulation (3), for the word “Principal” the word “Director” shall be substituted.

III. In regulation 4,—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) Part I—Written Examination.

The subjects for the examination and the maximum marks allotted to each of the subjects shall be as follows:—

Subjects	Maximum Marks
(1) Political Theory and the Constitution of India	.. 75
(2) Basic Economic Principles and Five-Year Plans	.. 75
(3) Law i.e. the Indian Penal Code (XLV of 1860), the Indian Evidence Act, 1872 (I of 1872), the Code of Criminal Procedure, 1898 (V of 1898) and the Code of Civil Procedure, 1908 (V of 1908)	.. 75
(4) General Administrative Knowledge	.. 75

The syllabus for this part of the examination shall be as specified in the First Schedule".

(ii) In clause (b) for the word 'Principal' wherever it occurs the word 'Director' shall be substituted.

IV. In the First Schedule, for item I the following item shall be substituted, namely:—

"I. Written Examination—

(i) **Political Theory and the Constitution of India.**—There shall be one paper of three hours' duration divided into two parts, Political Theory and the Constitution of India. The part dealing with Political Theory will carry 30 marks and the part dealing with the Constitution of India will carry 45 marks. In Political Theory, probationers are expected to know the main theories of political organisations and of State action, the basic principles of India's foreign policy and the evolution of the modern Indian State as a democratic, secular and Welfare State. In the Constitution of India, they are expected to know its evolution, basic principles and main provisions, parliamentary democracy—its postulates and implications, Central and State Governments—their relationship. No probationer shall bring any books or notes into the examination hall.

A copy of the Constitution of India shall be provided at the written examination.

(ii) **Basic Economic Principles and Five Year Plans.**—There shall be one paper of three hours' duration. Probationers are expected to know the basic principles of Economics and their application to Indian conditions. They should also be able to indicate the main provisions of the Plans and the general progress of the main plans and projects. No probationer shall bring any books or notes into the examination hall.

A copy of each of the Plans shall be provided at the written examination.

(iii) **Law.**—The Indian Penal Code 1860 (XLV of 1860), the Indian Evidence Act, 1872 (I of 1872), the Code of Criminal Procedure, 1898 (V of 1898) and the Code of Civil Procedure, 1908 (V of 1908).

There shall be one paper of three hours' duration divided into four parts—at least one question to be answered from each part. Each one of the parts shall cover one of the four Acts. The part covering the Code of Civil Procedure will carry 15 marks.

Probationers will be expected to appreciate the close connection among the Indian Penal Code, the Indian Evidence Act and the Code of Criminal Procedure, and to understand the combined operation of the three Acts in actual practice in the trial of cases. A copy of each of the four Acts will be provided at the written examination. No probationer shall bring any book or notes into the Examination hall.

Probationers should acquire familiarity with the whole of the Code of Criminal Procedure, 1898, but questions will not be set involving a knowledge of the following:—

Sections 1 and 3 of the Chapter I; Sections 18 to 22 and section 25 of Chapter II; Sections 39 to 41 of Chapter III; Sections 99-A to 99-G of Chapter VII; Sections 184 and 194 of Chapter XV; Chapters XXII and XXIII; Sections 362 and 365 of Chapter XXV; Section 370 of Chapter XXVI; Sections 375 to 379 of Chapter

XXVII; Chapter XXIX; Sections 411 and 429 of Chapter XXXI; Sections 432, 433 and 441 of Chapter XXXII, Chapter XXXVII; Sections 542, 552, 554 and 561-A of Chapter XLVI; Schedules III, IV and V except that candidates ought to be acquainted with the forms of charges as given in item XXVIII of Schedule V.

Probationers should acquire familiarity with the whole of the Code of Civil Procedure, 1908 (V of 1908), but the questions will be restricted only to the following:—

Sections 1 to 115 and 132 to 158.

First Schedule, Orders: I, II, V, VI, VII, IX, XII, XIII, XVI, XVII, XVIII, XX, XXI, XXIII, XXVI and XXXVIII.

(iv) **General Administrative Knowledge.**—There shall be one paper of three hours' duration. The questions in this paper will be designed to test how far the probationer has acquired the necessary basic knowledge of the salient features of the Indian History in its social, economic and political aspects and the general principles of public, social and economic administration and organisation of Governmental institutions. In judging their answers, no additional credit will be given for detailed or expert knowledge of any of these subjects, but particular attention will be paid to see whether the candidate has shown himself able to examine given problems from all relevant angles and to attempt constructive and balanced judgment thereon.

NOTE.—Such deductions may be made from the marks assigned to probationers at the Final Examination as the Commission may consider necessary in order to ensure that no credit is allowed for merely superficial knowledge."

V. In the Second Schedule—

- (i) the words "Bombay—Marathi or Gujarati" shall be omitted;
- (ii) after the entry relating to Bihar, the following entries shall be inserted, namely:—"Delhi—Himachal Pradesh—Hindi or Urdu.

Gujarat—Gujarati";

- (iii) the "comma" and the words "Malayalam, Kannada or Telugu" against the entry relating to Madras shall be omitted; and

- (iv) after the entry relating to Madras, the following entry shall be inserted, namely:—

"Maharashtra—Marathi".

[No. 4/5/59-AIS(I).]

L. M. NADKARNI, Jt. Secy.

MINISTRY OF FINANCE

(Department of Revenue)

DAINGEROUS DRUGS

New Delhi, the 12th August 1961

G.S.R. 1022.—In pursuance of sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (2 of 1930) and the Protocol signed at Paris on the 19th November, 1948, supplementing the earlier Geneva Conventions of 1925, 1931 and 1936 relating to drugs placed under international control the Central Government hereby declares the narcotic substances specified in this notification to be manufactured drugs and makes the following further amendment to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 4-Dangerous Drugs dated the 4th December, 1956, namely:—

Status of the drug
under the conventions

In the said notification,

- (i) item No. (42) shall be omitted ;
- (ii) for item Nos. (64), (65), (66) and (67) the following shall be substituted, namely :—

"(64) 1-(3-cyano-3, 3-diphenylpropyl)-4-phenylpiperidine Group I
-4-carboxylic acid ethyl ester (the proposed international
non-proprietary name of which is diphenoxylate) and
its salts, preparations, admixtures, extracts and other
substances containing any of these drugs.

	Status of the drug under the conventions
(65) 1-(3-hydroxy-3-phenylpropyl)-4-phenyl-piperidine-4-carboxylic acid ethyl ester (the proposed international non-proprietary name of which is <i>phenoperidine</i>) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs	Group I.
(66) 2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole (the proposed international non-proprietary name of which is <i>clonitazene</i>) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.	Group I.
(67) 2-(p-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole (the proposed international non-proprietary name of which is <i>clonitazene</i>) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs";	Group I.
(iii) after item No. (67), the following items shall be added namely—	
"(68) 14-hydroxydihydromorphine (the proposed international non-proprietary name of which is <i>hydromorphenol</i>) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.	Group I
(69) N-[2-(methylphenethylamino) propyl]-propionanilide (the proposed international non-proprietary name of which is <i>diampromide</i>) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs.	Group I
(70) N-[2-(1-methylpiperid-2'yl) ethyl]-propionanilide (the proposed international non-proprietary name of which is <i>phenampromide</i>) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs."	Group I

[No. 16]
[F. No. 13/7/60-Opium.]

CUSTOMS AND CENTRAL EXCISE
New Delhi, the 12th August, 1961.

G.S.R. 1023.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, the same having been previously published as required under the said sub-section (3) of section 43-B, namely:—

Amendment

1. These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1961.

2. In the Second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, for the existing item at Serial Number 37 and entries relating thereto, the following shall be substituted namely:—

"37. (i) Textile Machinery

(ii) Oil Mill Machinery and parts thereof."

[No. 97/F. No. 34/159/61-Cus.IV.]

G.S.R. 1024.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General)

Rules, 1960, the same having been previously published as required under the said sub-section (3) of section 43-B, namely:—

Amendment

1. These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1961.

2. (i) In the First Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, the existing item at Serial Number 4(G)(25)(A) and entries relating thereto shall be deleted and item at Serial No. 4(G)(25)(B) shall be renumbered as 4(G)(25)(A);

(ii) In the Second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 after the existing item at Serial No. 85 and entries relating thereto, the following shall be added namely:—

“86. Railway Wagons, Steel (Rolling Stock)”.

[No. 98/F. No. 34/181/61-Cus.IV.]

G.S.R. 1025.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, the same having been previously published as required under the said sub-section (3) of section 43B, namely:—

Amendment

1. These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1961.

2. In the Second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960, after Serial Number 86 and entries relating thereto, the following shall be added namely:—

“87. Glycerine.”

[No. 99/F. No. 34/60/61-Cus.IV.]

M. C. DAS, Dy. Secy.

MINISTRY OF COMMERCE & INDUSTRY (Department of Company Law Administration)

New Delhi, the 4th August 1961

G.S.R. 1026.—In exercise of the powers conferred by the proviso to sub-section (1) of section 594 of the Companies Act, 1956 (Act 1 of 1956) (hereinafter referred to as the Act), and in partial modification of the Notification No. S.R.O. 3216, dated the 4th October, 1957 of the Government of India in the Ministry of Finance (Department of Company Law Administration) (hereinafter referred to as the notification), the Central Government hereby directs that, in the case of the South Indian Export Company Limited (hereinafter referred to as the Company), being a foreign company, the requirements of clause (a) of sub-section (1) of the said section as modified in their application to a foreign company by the notification, shall apply subject to the following further exceptions and modifications, namely:—

It shall be deemed to be sufficient compliance with the provisions of clause (a) of sub-section (1) of the Section 594 of the Act, read with clause (i) of the notification in relation to the profit and loss account of the Indian business of the company for the financial year ended the 31st December 1960, if the company submits to the appropriate Registrar of Companies in India three copies of its authenticated profit and loss account for the said financial year ended the 31st December, 1960 in respect of its Indian business as prepared for its London Office and audited by a person qualified for appointment as auditor in terms of section 226 of the Act.

[No. F. 14(13)-CL. VI/61.]

N. PARASURAMAN, Under Secy.

TEA CONTROL*New Delhi, the 7th August 1961*

G.S.R. 1027.—In exercise of the powers conferred by section 49 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following further amendments in the Tea Rules, 1954, the same having been previously published, as required by sub-Section (1) of the said section, namely:—

1. These rules may be called the Tea (Third Amendment) Rules, 1961.
2. In the Tea Rules, 1954 (hereinafter referred to as the said rules), sub-rule (3) of rule 30 shall be omitted.
3. In rule 30A of the said rules,—
 - (1) in sub-rule (2),—
 - (a) in the proviso to clause (b), for the figures "132" the figures "138" shall be substituted;
 - (b) for clause (c), the following clause shall be substituted, namely:—
 "(c) A tea estate whose permissible area at the commencement of each five-year period exceeds 120 hectares may be granted permission to extend its area by 15% of such permissible area.";
 - (c) in clause (cc),—
 - (i) the words "subject to the limits laid down in the said clauses" shall be omitted;
 - (ii) the proviso shall be omitted;
 - (2) the second proviso to sub-rule (5) shall be omitted.

[No. 8(4)Plant(A)/60.]

B. KRISHNAMURTHY, Under Secy.

MINISTRY OF STEEL, MINES & FUEL
(Department of Mines and Fuel)

New Delhi, the 1st August 1961

G.S.R. 1028.—In exercise of the powers conferred by Section 31 of the Oil and Natural Gas Commission Act, 1959 (43 of 1959), the Central Government hereby makes the following amendments to the Oil and Natural Gas Commission Rules, 1960, namely:—

1. These rules may be called the Oil and Natural Gas Commission (First Amendment) Rules, 1961.
2. In the Oil and Natural Gas Commission Rules—
 - (i) Add the following as rule 8(1)
 "There shall be paid to every whole time member a salary at the rate of Rs. 2,250 per mensem;
 Provided that where the Central Government is of the opinion that it is necessary to appoint a whole-time member for performing work of a technical nature and the services of any suitable person with requisite qualifications and experience are not available for such appointment on such salary, the member may be paid a salary at such higher rate not exceeding Rs. 3,000 per mensem as may be fixed by the Central Government.
 Provided further that where a person is appointed as a whole-time member after his superannuation from Government service, he shall be paid a salary at such rate as may be admissible to him on his re-employment in a service under the Government."
 - (ii) The existing Rules 8(1), 8(2) and 8(3) may be re-numbered as 8(2), 8(3) and 8(4) respectively.

[No. 10/68/59-ONG.]

K. K. SAHNI, Jt. Secy.

MINISTRY OF FOOD AND AGRICULTURE
(Department of Food)

New Delhi, the 5th August 1961

G.S.R. 1029/Ess. Com/Sugarcane.—In exercise of the powers conferred by clause 6 of the Sugarcane (Control) Order, 1955, the Central Government hereby directs that the powers conferred on it by sub-clause (a) of clause 4 of the said Order, shall be exercisable also by the Cane Commissioner, Madras, within his jurisdiction.

[No. 3-2/61-SV.]

PARTAP SINGH, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATION
(Department of Commns. & Civil Aviation—P. & T. Board)

New Delhi, the 12th August, 1961

G.S.R. 1030.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the post of Nurses in the Posts and Telegraphs Workshops Organisation, namely:—

The Posts and Telegraphs Workshops Organisation (Nurses) Recruitment Rules, 1961

1. **Short title.**—These rules may be called the Posts and Telegraphs Workshops Organisation (Nurses) Recruitment Rules, 1961.

2. **Application.**—These rule shall apply to the post of nurses specified in column 1 of the Schedule annexed hereto.

3. **Number, Classification and scale of pay.**—The number of posts, their classification and the scales of pay attached to them shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid.

5. **Disqualification.**—(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to service; and

(b) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service;

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

SCHEDULE

Name of post	Number of post	Its classification whether gazetted or non-gazetted and whether ministerial or non-ministerial	Scale of pay	Percentage of post to be filled by				By direct recruitment only		Period of probation if any	Whether age and educational qualification prescribed for direct recruitment will apply in case of appointment by promotion/transfer	Grade/sources from which promotion/transfer are to be made
				Direct recruitment	By selection	Seniority cum-fitness	Transfer	Age limit	Educational qualification required			
1	2	3	4	5	6	7	8	9	10	11	12	13
Nurse	One	Class III Non-gazetted non-ministerial	Rs. 150—5— —175—6— 205.	100%	Not applicable	Not applicable	Not applicable	20—35	(1) Junior Nurse's Diploma or Certificates both in Midwifery and General Nursing from a recognised examining body (2) Should be a Registered Nurse	One year	Not applicable	Not applicable

[No. 2-11/60-WK]

B. G. DESHMUKH, Secy., P. & T. Board.

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 25th July 1961

G.S.R. 1031.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules namely:—

1. **Short title.**—These rules may be called the Central Public Works Department (Subordinate Offices) Class IV (Caretaking Staff) Posts Recruitment Rules, 1961.

2. **Application.**—These rules shall apply to recruitment to the posts specified in column 1 of the Schedule annexed hereto.

3. **Classification and Scale of pay.**—The classification of the posts and the scales of pay attached thereto shall be as specified in columns 2 and 3 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 4 to 12 of the said Schedule:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of candidates belonging to Scheduled Castes, Scheduled Tribes or displaced persons and other special categories of persons in accordance with the general orders issued from time to time by the Government.

5. **Probation.**—The period of probation in respect of such post shall be as specified in column 10 of the said Schedule.

6. **Disqualification.**—(a) No person who has more than one wife living or who having a spouse living, marriages in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the posts; and

(b) no woman whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the posts:

Provided that the Central Government may if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

7. **Power to relax.**—The Government may relax any provision of these rules in any case in which, but for such relaxation, the rules would operate harshly.

8. **Interpretation.**—If any doubt arises as to the meaning or application of these rules or any of them to any person, the matter shall be referred to the Government, whose decision thereon shall be final.

SCHEDULE

Name of post	Its classification whether gazetted or non-gazetted whether ministerial or non-ministerial	Scale of Pay	Percentage of posts to be filled by			Transfer	For direct recruitment		Period of probation if any	Whether age and educational qualifications prescribed for direct recruitment will apply in the case of apptt. by promotion/transfer.	Grades sources from which promotion/transfer is to be made.
			Direct recruitment	By selection	Seniority-cum-fitness		Age limit	Educational and other qualifications required			
PROMOTION											
I	2	3	4	5	6	7	8	9	10	11	12
1. Building Jamadars.	Class IV (non-gazetted)	Rs. 75—I— 85—EB— 2—95.	..	..	100%	..	..	..	6 months	..	Guards on the Regular Establishment with 5 years service.
2. Farash Jamadars	Do.	Do.	..	..	100%	..	..	..	Do.	..	Farashes on the Regular Estt. with 5 years' service.
	Do.	Rs. 70—I— 80—EB— 1—85.	..	100%	..	..	18-25 years.	(a) Nil experienced hands will, however be given preference. (b) Candidates shall possess the following physical standard: (1) Height without boots/ or shoes : 5'-5" (2) Chest Minimum : 33" (3) Chest expanded : 35"	6 months		

(4) Weight Minimum : 110 lbs.										
4. Darwans	Class IV (non-gazetted)	Do.	..	Do.	..	..	Do.	Do.	6 months	..
5. Frashes	Class IV (non-gazetted)	Do.	..	Do.	..	..	Do.	Do.	6 months	..
6. Bhisties	Class IV (non-gazetted)	Do.	..	Do.	..	..	Do.	Do.	6 months	..

[No. 56/12/60-EW.II.]

P. K. SEN, Dy. Secy.

New Delhi, the 26th July 1961

G.S.R. 1032.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Directorate General of Supplies and Disposals (Computer) Recruitment Rules, 1961, published with the notification of the Government of India in the Ministry of Works, Housing and Supply G.S.R. 868, dated the 13th March, 1961, namely:—

1. These rules may be called the Directorate General of Supplies and Disposals (Computer) Recruitment Amendment Rules, 1961.

2. In the Directorate General of Supplies and Disposals (Computer) Recruitment Rules, 1961, in the Schedule, in column 10, after the existing entry the following entry shall be inserted, namely:—

“The age limit upto three years may be relaxed in the case of departmental candidates by the Ministry of Works, Housing and Supply”.

[No. 49(11)/60-ESII.]

R. RAJAGOPALAN, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 8th August 1961

G.S.R. 1033.—In exercise of the powers conferred by section 5, read with sub-section (1) of section 7, of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely:—

1. This Scheme may be called the Employees' Provident Funds (Sixth Amendment) Scheme, 1961.

2. In the Employees' Provident Funds Scheme, 1952, in clause (b) of sub-paragraph (3) of paragraph 1, sub-clause (xx) shall be renumbered as sub-clause (xxii) thereof and the following shall be inserted as sub-clauses (xx) and (xxi), namely:—

“(xx) as respects the establishments covered by the notification of the Government of India in the Ministry of Labour and Employment No. G.S.R. 1013 dated the 29th July, 1961, come into force on the 31st day of July, 1961.

(xxi) as respects the factories relating to the leather and leather products industry covered by the notification of the Government of India in the Ministry of Labour and Employment No. 993, dated the 29th July, 1961, come into force on the 31st day of August, 1961”.

[No. 4/10/61 PF.II.]

P. D. GAIHA, Under Secy.